UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,686	09/23/2003	Larry B. Pearson	1033-SS00414	1039

84326 7590 07/23/2010

AT & T LEGAL DEPARTMENT - Toler
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT & T WAY
BEDMINISTER, NJ 07921

EXAMINER	
SAMS, MATTHEW C	
ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
07/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/668,686	PEARSON ET AL.	
	Examiner	Art Unit	
	MATTHEW SAMS	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *43,44,54-59,61-68 and 88-91* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *43,44,54-59,61-68 and 88-91* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action has been changed in response to the amendment filed on 5/14/2010.

2. Claims 43, 54 and 61 have been amended. Claims 88-91 have been added. Claims 1-42, 45-53, 60 and 69-87 have been canceled.

Response to Arguments

3. Applicant's arguments with respect to claims 43, 44, 54-59 and 61-68 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 43, 44, 61 and 88-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Contractor (US-7,006,833) in view of Wilhoite et al. (US-2003/0224795 hereinafter, Wilhoite).

Regarding claim 43, Contractor teaches a system for manipulating call redirection (Abstract and Col. 1 line 51 through Col. 2 line 40), the system comprising:

a communication module (Fig. 3 [114]) to determine proximity zone data of a subscriber by receiving information from a mobile telephone (Col. 2 lines 1-11 "The inventive system includes a transponder for transmitting a location of a user" and "The transponder may be a part of a handset device") associated with the subscriber (Fig. 5 [302 & 503]), wherein the mobile telephone indicates proximity zone information based on whether the mobile telephone is in wireless communication with a particular proximity sensor of the plurality of proximity sensors (Fig. 6 [304] and Col. 8 lines 30-33 "radio frequency-based (rf) device" & Col. 9 line 65 through Col. 10 line 6), wherein the particular proximity sensor is associated with a particular proximity zone (Col. 10 lines 30-31 and Col. 11 lines 14-19 or lines 31-33), wherein the plurality of proximity sensors includes at least a first proximity sensor (Fig. 6 [602 or 603]) associated with a first proximity zone (Col. 11 lines 14-19 or lines 31-33) and a second proximity sensor (Fig. 5 [503]) associated with a second proximity zone; (Col. 10 lines 30-31)

a proximity zone database (Fig. 3 [116]) coupled to the communication module (Fig. 3 [114]), the proximity zone data storing the proximity zone data; (Col. 9 lines 23-32) and

a call direction control system (Fig. 3 [114]) coupled to the proximity zone database to redirect calls directed to a mobile telephone number of the mobile telephone (Col. 3 lines 35-38 & Col. 9 lines 12-14) of the subscriber (Col. 9 line 65 through Col. 10 line 6 and Fig. 4B [410]):

to a first telephone number of a first telephone device within the first proximity zone when the proximity zone data indicates that the mobile telephone

and the subscriber are in the first proximity zone; (Col. 2 lines 1-11, Col. 7 lines 57-67, specifically line 64 "telephone number" and Col. 9 lines 54-65)

to a second telephone number (Col. 7 lines 62-67) of a second telephone device within the second proximity zone when the proximity zone data indicates that the mobile telephone and the subscriber are in the second proximity zone (Col. 2 lines 1-11, Col. 7 line 38 through Col. 8 line 9); and

to the mobile telephone number of the mobile telephone of the subscriber when the proximity zone data indicates that the mobile telephone and the subscriber are outside the first proximity zone and the second proximity zone. (Col. 10 lines 6-13 *i.e.* defaulting to the wireless telephone device)

Contractor differs from the claimed invention by having the mobile telephone (which includes the transponder) in communication with "proximity sensors" instead of wireless network access points.

In an analogous art, Wilhoite teaches a proximity based call forwarding and transferring system (Abstract and Page 2 [0013]) that includes determining proximity zone data of a subscriber from their mobile telephone based on whether they are in communication with wireless network access points associated with specific proximity zones. (Page 3 [0023], Page 4 [0040] "When the signaling center 12 receives a message from an IP antenna that an identified subscriber mobile phone is in good communication with the IP antenna", Pages 4-5 [0042] and Page 6 [0050 & 0055-0057])

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the location based call forwarding

of Contractor after modifying it to incorporate the use of wireless network access points instead of proximity sensors of Wilhoite since wireless network access points not only provide proximity detection (Page 3 [0023] and Pages 4-5 [0042]) but also provide access to the Internet. (Fig. 1 [105] and Page 2 [0013])

Regarding claim 44, Contractor in view of Wilhoite teaches the first proximity zone is a home proximity zone associated with a home of the subscriber (Contractor Col. 11 lines 14-30), and wherein the second proximity zone is a work proximity zone associated with a work place of the subscriber. (Contractor Col. 11 lines 31-33)

Regarding claim 61, the limitations of claim 61 are rejected as being the same reason set forth above in claim 43 above.

Regarding claim 88, Contractor teaches a method, comprising

determining proximity zone data of a subscriber based on information received from a mobile telephone (Col. 2 lines 1-11 "The inventive system includes a transponder for transmitting a location of a user" and "The transponder may be a part of a handset device") associated with the subscriber (Fig. 5 [302 & 503]), wherein the mobile telephone indicates proximity zone information based on whether the mobile telephone is in wireless communication with a particular proximity sensor (Fig. 6 [304] and Col. 8 lines 30-33 "radio frequency-based (rf) device" & Col. 9 line 65 through Col. 10 line 6) associated with a particular proximity zone (Col. 10 lines 30-31 and Col. 11 lines 14-19 or lines 31-33)

storing the proximity zone data (Col. 9 lines 23-32), wherein the proximity zone data (Fig. 3 [116]) indicates that the mobile telephone and the subscriber are in a first

proximity zone; (Col. 2 lines 1-11, Col. 7 lines 57-67, specifically line 64 "telephone number" and Col. 9 lines 54-65) and

redirecting a first call directed to a mobile telephone number of the mobile telephone (Col. 3 lines 35-38 & Col. 9 lines 12-14) to a telephone number of a telephone device in the first proximity zone. (Col. 2 lines 1-11, Col. 7 lines 57-67, specifically line 64 "telephone number" and Col. 9 lines 54-65)

Contractor differs from the claimed invention by having the mobile telephone (which includes the transponder) in communication with "proximity sensors" instead of wireless network access points.

In an analogous art, Wilhoite teaches a proximity based call forwarding and transferring system (Abstract and Page 2 [0013]) that includes determining proximity zone data of a subscriber from their mobile telephone based on whether they are in communication with wireless network access points associated with specific proximity zones. (Page 3 [0023], Page 4 [0040] "When the signaling center 12 receives a message from an IP antenna that an identified subscriber mobile phone is in good communication with the IP antenna", Pages 4-5 [0042] and Page 6 [0050 & 0055-0057])

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the location based call forwarding of Contractor after modifying it to incorporate the use of wireless network access points instead of proximity sensors of Wilhoite since wireless network access points not only provide proximity detection (Wilhoite Page 3 [0023] and Pages 4-5 [0042]) but also provide access to the Internet. (Wilhoite Fig. 1 [105] and Page 2 [0013])

Regarding claim 89, Contractor in view of Wilhoite teaches detecting a change in the proximity zone data; (Wilhoite Page 3 [0024])

storing the changed proximity zone data, wherein the changed proximity zone data indicates that the mobile telephone and the subscribers are in a second proximity zone; (Contractor Col. 11 lines 27-33)

stopping redirection of calls to the first telephone number of the first telephone device in the first proximity zone and redirecting calls directed to the mobile telephone number of the mobile telephone to a second telephone number of a second telephone device located in the second proximity zone. (Contractor Col. 11 lines 1-63 and Wilhoite Page 3 [0024])

Regarding claims 90 and 91, Contractor in view of Wilhoite teaches the particular wireless network access point is an 802.11 wireless network access point or a Bluetooth access point. (Wilhoite Page 5 [0048] "Bluetooth and 802.11")

6. Claims 54-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Contractor in view of Wilhoite as applied to claim 43 above, and further in view of Gross et al. (US-6,389,117 hereafter, Gross)

Regarding claim 54, Contractor in view of Wilhoite teaches redirecting a call to the mobile telephone number of the mobile of the subscriber (Contractor Col. 3 lines 35-38 & Col. 9 lines 12-14) based on the user location (Contractor Col. 9 line 65 through Col. 10 line 6 *i.e.* proximity zone data), the call direction control system receives the call. (Contractor Fig. 4A [403]) Contractor in view of Wilhoite differs from the claimed invention by not explicitly reciting placing a second call and prompting the subscriber to

select an action to be taken with respect to the call after the subscriber answers the second call.

In an analogous art, Gross teaches a system and method of using a single telephone number to access multiple communication services that includes receiving a call, placing a second call to the selected address (Col. 16 lines 33-34) and prompting the subscriber to select an action to be taken with respect to the call after the subscriber answers the second call. (Col. 16 lines 16-37 and Fig. 8)

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the location based call forwarding of Contractor in view of Wilhoite after modifying it to incorporate a user menu for call action/inaction of Gross. One of ordinary skill in the art would have been motivated to do this since even if a subscriber is using location based routing, a subscriber might find it temporarily inconvenient to always answer the phone.

Regarding claim 55, Contractor in view of Wilhoite and Gross teaches connecting the first call and the second call to allow the caller to engage in a conversation with the subscriber if the selected action indicates to forward the call. (Gross Col. 16 lines 16-37)

Regarding claim 56, Contractor in view of Wilhoite and Gross teaches after receiving the call, the call direction control system prompts a caller to provide the caller's name and stores a data record including the caller's name. (Gross Col. 16 lines 31-33)

Regarding claim 57, Contractor in view of Wilhoite and Gross teaches after placing the second call, the call direction control system accesses the data record including the caller's name and plays an announcement to the subscriber that includes the caller's name before prompting the subscriber to select the action. (Gross Col. 16 lines 33-37)

Regarding claim 58, Contractor in view of Wilhoite and Gross teaches the action is selected from a first option to answer the call and a second option to route the call to voice mail. (Gross Fig. 8 and Col. 16 line 28-37)

Regarding claim 59, Contractor in view of Wilhoite and Gross teaches the action includes redirecting the call (Gross Col. 16 lines 36-37) to an electronic mail address of the subscriber. (Contractor Col. 7 lines 60-67 and Col. 10 lines 6-13)

7. Claims 62, 63, 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Contractor in view of Wilhoite as applied to claim 61 above, and further in view of Trioano et al. (US-2006/0136546 hereinafter, Trioano).

Regarding claim 62, 63, 65 and 67, Contractor in view of Wilhoite teaches the limitations of claim 61 above, but differs from the claimed invention by not explicitly reciting the use of an application layer communication protocol, a Remote Procedure Call, a Simple Object Access Protocol message or HTTP.

In an analogous art, Trioano teaches a triggering system to initiate communications in a mobile network (Abstract) that includes the use of SOAP messaging (Page 5 [0065]), which inherently is an application layer communication and relies heavily upon Remote Procedure Call and HTTP for implementation. At the time

the invention was made, it would have been obvious to one of ordinary skill in the art to implement the location based call forwarding of Contractor in view of Wilhoite after modifying it to incorporate the use of SOAP as a triggering message of Trioano since it is based on XML and is a lightweight protocol for communication between web services in computer networks.

Regarding claims 66, Contractor in view of Wilhoite and Trioano teaches the use of electronic mail message. (Trioano Page 2 [0015 & 0018])

8. Claims 64 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Contractor in view of Wilhoite as applied to claim 61 above, and further in view of Khan et al. (US-2002/0165988 hereinafter, Khan).

Regarding claim 64, Contractor in view of Wilhoite teaches the limitations of claim 61 above, but differs from the claimed invention by not explicitly reciting the use of InterProcess Communication messages.

In an analogous art, Khan teaches a mechanism for retrieving network content that includes using Interprocessor communications. (Page 15 [0175]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the location based call forwarding of Contractor in view of Wilhoite after modifying it to incorporate the Interprocessor communication messaging of Khan since it enables easy communication between server applications.

Regarding claim 68, Contractor in view of Wilhoite and Khan teaches the use of file transfer protocol messages. (Khan Page 16 [0182-0183])

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW SAMS whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 6:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MATTHEW SAMS/
Examiner, Art Unit 2617